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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,414	12/14/2000	Rabindranath Dutta	AUS9000687US1	8776
35617	7590	10/07/2003	EXAMINER	
CONLEY ROSE, P.C. P.O. BOX 684908 AUSTIN, TX 78768			BRIER, JEFFERY A	
			ART UNIT	PAPER NUMBER
			2672	7

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/736,414

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 09/05/03 has been entered. Claims 1, 11, 13 and 19 have been amended.

### ***Response to Arguments***

2. Applicant's arguments filed 09/05/03 have been fully considered but they are not persuasive. Applicant contends Chan does not supply a base image from one server and a dynamic image from another server and alleges there is no suggestion in Chan of using two separate computational devices for storing a pair of images to be combined by an editor. Chan's figure 2 shows static base image 002 and dynamic image 001 coupled by network 999, see the arrows from each image source towards network 999. In paragraph 0031 Chan states the dynamic image 001 can be retrieved from any resource this would inherently include a resource coupled by a network and in paragraph 0039 Chan modifies the system so the static base image 002 resides on one computer and the dynamic image 001 resides on a different computer coupled by a network. Thus, Chan teaches to one of ordinary skill in the art that static base image 002 may reside on one computer and the dynamic image 001 may reside on another computer coupled by a network with a client overlaying the static and dynamic images

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan U.S. Patent Application Publication No. 2001/0033284 with a provisional filing date of March 13, 2000.

Applicant's system, see figure 4, stores web pages in a web server, ads in an ad server, and performs modification of the web page with the ad in either the web server, ad server, or client. Applicant described in page 15 lines 2-3 the web server and the ad server can exist in the same location in addition to be coupled by a network. In Chan's system a server supplies the base image and another server supplies the dynamic image and according to paragraph 0039 these servers may be in separate computers connected by a network.

Claim 1:

Chan teaches a system for web-based virtual advertising (*the term advertising is a broad term including the display of current conditions of a ski slope which inherently advertising to the ski enthusiast the current conditions at the ski resort*), comprising:

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a web server having a first vector graphics image (*figures 1 and 2 both show a server to the left of the dotted line and paragraph 0030 teaches the use of scalable vector graphics (SVG) for the first image, the base image*) and

a web page containing a link to the first image (*paragraphs 0023 and 0036 describe using web pages and inherently a web page contains a link to the ski map, see paragraph 0036 last 6 lines*);

an ad server operably coupled to the web server by a network (*as stated above in response to applicants arguments static base image 002 and the dynamic image 001 are taught in paragraphs 0031 and 0039 to be stored in different computers and figure 2 shows static base image 002 and the dynamic image 001 coupled by a network and paragraph 0039 states the static base image 002 and the dynamic image 001 are coupled by a network, the dynamic portion of the ski map is an ad*) and having a second vector graphics image (*the dynamic images is a second vector graphics image due to the statements at paragraph 0031 which states the second image can be any resource, thus, in view of paragraph 0030 stating the use of SVG the second image is a vector image*);

a client adapted to receive the web page from the web server (*figures 1 and 2 both show a client to the right of the dotted line which inherently receives a web page from the server and see paragraphs 0023 and 0036 which describe the web page, additionally the claim does not state where the client is located, thus, Chan as modified by paragraph 0039 teaches a client and web server coupled by a network to an ad server*) and

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to receive the first and second images from the web server and the ad server (*the base image and the dynamic image are sent from the web server and the ad server to the client, the claim does not claim where the base image and the dynamic image are to be merged*), respectively; and

an editor adapted to overlay a portion of the first image with the second image (*processes 102 and 205 are an editor that overlays the dynamic, second image, onto the base image, first image*).

Claim 2:

Chan teaches the system as recited in claim 1, wherein the first image, second image or both the first and second images are scalable vector graphic images (*the first image is a SVG image because paragraph 0030 teaches the use of scalable vector graphics (SVG) for the first image, the base image and the second image is a SVG image due to the statements at paragraph 0031 which states the second image can be any resource, thus, in view of paragraph 0030 stating the use of SVG the second image is a vector image*).

Claim 3:

Chan teaches the system as recited in claim 1, wherein the web server (*elements 002, 101, 102, 103, 104 and 105 are considered to be the web server*) receives the second image from the ad server (*elements 000, 001 and 100 are considered to be the ad*

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server), and wherein the editor (*considered to be element 102*) operates within the web server to overlay a portion of the first image with the second image.

Claim 4:

Chan teaches the system as recited in claim 1, wherein the ad server (*the ad server is considered to be elements 000, 001, 100, 102, 103, 104 and 105*) receives the first image from the web server (*the web server is considered to be elements 002 and 101*), and wherein the editor (*element 102*) operates within the ad server to overlay a portion of the first image with the second image.

Claim 5:

Chan teaches the system as recited in claim 1, wherein the client (*see figure 2*) receives the first image from the web server (*base map image*) and receives the second image from the ad server (*dynamic image*), and wherein the editor (*element 205*) operates within the client to overlay a portion of the first image with the second image.

Claim 6:

Chan teaches the system as recited in claim 1, wherein the first and second images are represented as first and second files (*see paragraphs 0030 and 0031*) containing instructions (*SVG is instructions*) in a vector graphic programming language (*SVG is instructions in a vector graphic programming language*).

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Claim 7:

Chan teaches the system as recited in claim 6, wherein overlaying a portion of the first image with the second image further comprises inserting instructions from the second file into the first file (*since SVG is instructions to draw graphics then to modify a SVG file with another SVG file is to insert instructions from second file into the first file*).

Claim 8:

Chan teaches the system as recited in claim 1, wherein the client operates a web browser and is coupled via the Internet to the web server and the ad server (*see claim 5 and paragraph 0036*).

Claim 9:

Chan teaches the system as recited in claim 1, further comprising a database in the ad server (*the entity data 200 can be considered a database*), such that the database associates the second image with the first image (*the entity data is described in paragraph 0033 as containing positional and boundary data, thus, the entity data associates the second image with the first image*).

Claim 10:

Chan teaches the system as recited in claim 9, wherein the database specifies the location and size (*the entity data is described in paragraph 0033 as containing*



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*positional and boundary data*) of the portion of the first image to be overwritten by the second image.

Claim 11:

Chan teaches the system as recited in claim 10, wherein the location and size of the portion of the first SVG image to be overwritten by the second SVG image are determined by a computer program (*inherently a computer program generates entity data 200*).

Claim 12:

Chan teaches the system as recited in claim 1, wherein the web server and ad server are computer program execution units (*web servers are computer programs*) adapted to transmit, receive and process data stored in a carrier medium (*such as the storage medium of the computer*) adapted for transmission therebetween (*the first image data, base image, and the second image data, dynamic image data, are transmitted between the ad server and the web server*).

Claim 13:

Chan teaches a method for web-based virtual advertising, comprising: requesting a web page from a first computer containing a link to a first vector graphics image (*inherently an initial web page contains a link to the ski map, see paragraph 0036 last 6 lines*); overlaying a portion of the first image with a second vector graphics image obtained

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from a second computer, coupled to the first computer by a network, (as stated above in response to applicants arguments static base image 002 and the dynamic image 001 are taught in paragraphs 0031 and 0039 to be stored in different computers and figure 2 shows static base image 002 and the dynamic image 001 coupled by a network and paragraph 0039 states the static base image 002 and the dynamic image 001 are coupled by a network, the dynamic portion of the ski map is an ad) to obtain a modified first image (from process 102 or 205); and displaying the modified first image upon a client computer coupled to the first and second computers by the network (processes 203-205 are performed on the client computer which is separate from the web server computer and ad server when paragraph 0039 is considered).

## Claim 14:

This claim is the corresponding method claim of system claim 2.

Chan teaches the method as recited in claim 13, wherein the first image, second image or both the first and second images are scalable vector graphic images (the first image is a SVG image because paragraph 0030 teaches the use of scalable vector graphics (SVG) for the first image, the base image and the second image is a SVG image due to the statements at paragraph 0031 which states the second image can be any resource, thus, in view of paragraph 0030 stating the use of SVG the second image is a vector image).

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Claim 15:

This claim is the corresponding method claim of system claim 6.

Chan teaches the method as recited in claim 13, wherein the first and second images are represented as first and second files (*see paragraphs 0030 and 0031*) containing instructions (*SVG is instructions*) in a vector graphic programming language (*SVG is instructions in a vector graphic programming language*).

Claim 16:

Chan teaches

This claim is the corresponding method claim of the editor of system claim 1.

Chan teaches the method as recited in claim 15, wherein said overlaying comprises using an editor to insert instructions from the second file into the first file (*processes 102 and 205 are an editor that overlays the dynamic, second image, onto the base image, first image*).

Claim 17:

This claim is the corresponding method claim of system claim 3.

Chan teaches the method as recited in claim 16, wherein said overlaying comprises operating the editor within the first computer (*elements 002, 101, 102, 103, 104 and 105 are considered to be the first computer*) to overlay a portion of the first image (*base image*) with the second image (*dynamic image*).

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Claim 18:

This claim is the corresponding method claim of system claim 4.

Chan teaches the method as recited in claim 16, wherein said overlaying comprises operating the editor within the second computer (*the second computer is considered to be elements 000, 001, 100, 102, 103, 104 and 105*) to overlay a portion of the first image (*base image*) with the second image (*dynamic image*).

Claim 19:

This claim is the corresponding method claim of system claim 5.

Chan teaches the method as recited in claim 16, wherein said overlaying comprises operating the editor (*see figure 2, element 205*) within the client operably linked to the first computer (*the source of the base image is considered to be a first computer*) and the second computer (*the source of the dynamic image is considered to be a second computer*) to overlay a portion of the first image with the second image .

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

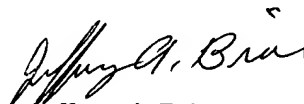
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
Jeffery A Brier  
Primary Examiner  
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